

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KANG HAGGERTY LLC : CIVIL ACTION
: :
v. : :
: :
BAXTER MCLINDON HAYES, JR., et al. : NO. 17-1295

ORDER

AND NOW, this 29th day of March, 2023, upon consideration of Plaintiff Kang Haggerty LLC's "Motion for Partial Summary Judgment" (Docket No. 129), the Response thereto filed by Defendants Baxter McLindon Hayes, Jr. and Utilipath Holdings, Inc., and Plaintiff's "Motion for Leave to File Reply Brief" (Docket No. 139), and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's Motion for Leave to File a Reply Brief is **GRANTED**, and Exhibit A attached thereto is deemed filed.
2. Plaintiff's Motion for Partial Summary Judgment is **GRANTED** insofar as it seeks the entry of summary judgment in its favor on Defendants' counterclaim for breach of fiduciary duty.
3. Plaintiff's Motion for Partial Summary Judgment is **DENIED** in all other respects.¹

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.

¹ This action will proceed with respect to Plaintiff's claims for breach of contract, seeking payment of its outstanding invoices and the quantum meruit value of its services, and Defendants' counterclaim for breach of contract, asserting that Defendants were overbilled.